

**PATENT**

**Case No.: 10022/043**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                               |   |                             |
|-------------------------------|---|-----------------------------|
| In re Application of          | ) |                             |
|                               | ) | Group Art Unit: 2141        |
| John K. Kaltenmark et al.     | ) |                             |
|                               | ) | Examiner: Djenane M. Bayard |
| Serial No.: 09/676,584        | ) |                             |
|                               | ) |                             |
| Filed: September 29, 2000     | ) |                             |
|                               | ) |                             |
| For: OPERATIONS ARCHITECTURES | ) |                             |
| FOR NETCENTRIC COMPUTING      | ) |                             |
| SYSTEMS                       | ) |                             |

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO  
OVERCOME CITED PATENTS (37 C.F.R. § 1.131)**

I, John K. Kaltenmark, do hereby humbly declare and state as follows:

1. I am a joint inventor with Christopher M. DeGiorgio of the subject matter claimed in the above-identified patent application.
2. I have been informed that U.S. Patent Publication No. 2004/0107125, which was published on June 3, 2004, has been cited as prior art in the above-identified patent application. I have been informed that the earliest effective filing date to which U.S. Patent Publication No. 2004/0107125 claims priority is May 27, 1999.
3. I am listed as an author of a book entitled Netcentric and Client/Server Computing – A Practical Guide ("the Book"). It is my understanding that the Book was published by Auerbach on December 18, 1998. Auerbach is an imprint of CRC Press LLC, which is located at 2000 Corporate Boulevard N.W., Boca Raton, Florida 33431. Attached as Exhibit A is a printout from Amazon.com that sets forth the publication date of the book as December 18, 1998. Each and every feature of the invention disclosed in claims 1-28 of the above-identified patent application were

conceived prior to May 27, 1999 and are supported by and based on the Book. As such, a date of conception of this application can be established at least prior to December 18, 1998.

4. Myself and my co-inventor are the authors of at least Chapters 12 and 28 and a portion of Chapter 3 of the Book. This subject matter of Chapters 12 and 28 and a portion of Chapter 3 of the Book are the work of myself and my co-inventor, and not that of others.

5. The features of the invention disclosed in claims 1-28 are supported by the concepts, ideas, etc. included in at least Chapters 12 and 28 and a portion of Chapter 3 of the Book.

6. It is my understanding that the contents of the Book were filed as U.S. Provisional Application Serial No. 60/156,962 on October 1, 1999. I have been informed that this establishes constructive reduction to practice of the invention embodied in claims 1-28 as of the filing date of the provisional application. It is my understanding that the present utility application was subsequently filed on September 29, 2000 and claims priority from the provisional application set forth above.

7. During the period from prior to December 18, 1998 up to the filing of U.S. Provisional Application Serial No. 60/156,962 on October 1, 1999, I was actively and diligently involved in construction and testing of concepts and working embodiments of the invention.

8. The invention disclosed by claims 1-28 of this application was conceived at least prior to December 18, 1998, which is a date earlier than the effective date of U.S. Patent Publication No. 2004/0107125.

# DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



John K. Kaltenmark

Date:

11/13/05

**PATENT**  
**Case No.: 10022/043**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                               |   |                             |
|-------------------------------|---|-----------------------------|
| In re Application of          | ) |                             |
|                               | ) | Group Art Unit: 2141        |
| John K. Kaltenmark et al.     | ) |                             |
|                               | ) | Examiner: Djenane M. Bayard |
| Serial No.: 09/676,584        | ) |                             |
|                               | ) |                             |
| Filed: September 29, 2000     | ) |                             |
|                               | ) |                             |
| For: OPERATIONS ARCHITECTURES | ) |                             |
| FOR NETCENTRIC COMPUTING      | ) |                             |
| SYSTEMS                       | ) |                             |

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO  
OVERCOME CITED PATENTS (37 C.F.R. § 1.131)**

I, Christopher M. DeGiorgio, do hereby humbly declare and state as follows:

1. I am a joint inventor with John K. Kaltenmark of the subject matter claimed in the above-identified patent application.
2. I have been informed that U.S. Patent Publication No. 2004/0107125, which was published on June 3, 2004, has been cited as prior art in the above-identified patent application. I have been informed that the earliest effective filing date to which U.S. Patent Publication No. 2004/0107125 claims priority is May 27, 1999.
3. I am listed as an author of a book entitled Netcentric and Client/Server Computing – A Practical Guide ("the Book"). It is my understanding that the Book was published by Auerbach on December 18, 1998. Auerbach is an imprint of CRC Press LLC, which is located at 2000 Corporate Boulevard N.W., Boca Raton, Florida 33431. Attached as Exhibit A is a printout from Amazon.com that sets forth the publication date of the book as December 18, 1998. Each and every feature of the invention disclosed in claims 1-28 of the above-identified patent application were

conceived prior to May 27, 1999 and are supported by and based on the Book. As such, a date of conception of this application can be established at least prior to December 18, 1998.

4.       Myself and my co-inventor are the authors of at least Chapters 12 and 28 and a portion of Chapter 3 of the Book. This subject matter of Chapters 12 and 28 and a portion of Chapter 3 of the Book are the work of myself and my co-inventor, and not that of others.

5.       The features of the invention disclosed in claims 1-28 are supported by the concepts, ideas, etc. included in at least Chapters 12 and 28 and a portion of Chapter 3 of the Book.

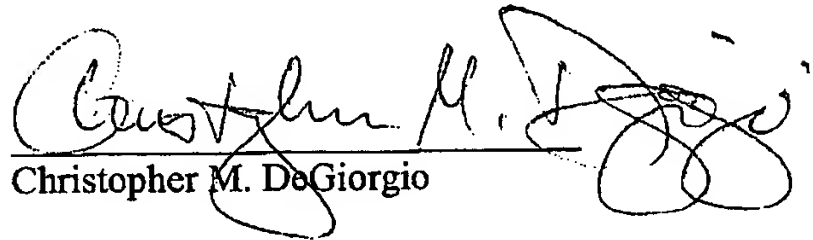
6.       It is my understanding that the contents of the Book were filed as U.S. Provisional Application Serial No. 60/156,962 on October 1, 1999. I have been informed that this establishes constructive reduction to practice of the invention embodied in claims 1-28 as of the filing date of the provisional application. It is my understanding that the present utility application was subsequently filed on September 29, 2000 and claims priority from the provisional application set forth above.

7.       During the period from prior to December 18, 1998 up to the filing of U.S. Provisional Application Serial No. 60/156,962 on October 1, 1999, I was actively and diligently involved in construction and testing of concepts and working embodiments of the invention.

8.       The invention disclosed by claims 1-28 of this application was conceived at least prior to December 18, 1998, which is a date earlier than the effective date of U.S. Patent Publication No. 2004/0107125.

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Christopher M. DeGiorgio

Date: 11-8-2005